IN THE HIGH COURT OF BOMBAY AT GOA

Writ Petition No.412/2007.

Mr. Sandeep G. Dessai and
10 Ors. .. Petitioners.

Versus

The Chief Officer Curchorem Cacora
Municipal Council and 2 Ors. .. Respondents.

Mrs. A. Agni, Advocate for the petitioners.

Mr. Nitin Sardessai with Mr. N.K. Sawaikar, Advocates for respondent No.1.
Mr. M. Salkar, Additional Government Advocate for respondent Nos. 2&3.

WITH

Writ Petition No.421/2007

Mr.Dashrath Shambu Borkar .. Petitioners.

Versus

The Chief Officer Curchorem Cacora
Municipal Council and 2 Ors. .. Respondents.

Mrs. A. Agni, Advocate for the petitioners.

Mr. Nitin Sardessai with Mr. N.K. Sawaikar, Advocates for respondent No.1.
Ms. W. Coutinho, Government Advocate for respondent Nos. 2&3

Coram :- D.B.BHOSALE &
N.A.BRITTO, JJ.

Date : - 05th December,2007.

P.C. **:**

1. We have dismissed the writ petition No.426/2007 yesterday i.e. on 04/12/2007. The petitioners in these two writ petitions, in our opinion, are similarly placed and there is absolutely no difference between their claim and the claim of the petitioners in writ petition No.426/2007 and therefore, these petitions can also be dismissed in terms of the said order.

2. Mrs. Agni,learned Counsel for the petitioners however, submitted that there is a difference between the case of the petitioners in these writ petitions and the petitioners in writ petition No.426/2007. She submitted that the stalls/kiosks of the petitioners in these two writ petitions were on the private property at the relevant time i.e. in the year 1997 and there was no reason for the Council to remove them on the basis of the judgment in *Pedestrians v. Municipal Council, 1997(2) Goa L.T. 128.* In our opinion, this distinguishing factor is of no avail to the petitioners. There doesn't appear to be any dispute that the petitioner in both these writ petitions were not having licenced structures at the relevant time. Moreover, the persons who were on the private property, in our opinion, are not covered by the rehabilitation scheme framed in pursuance of the judgment in Pedestrians Case. In the circumstances, these writ petitions also stand disposed of in the aforesaid terms.

D. B. BHOSALE, J.

N. A. BRITTO, J.

SMA